



STELLENBOSCH

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Ref: 3/4/3/5/3/4

2021-06-01

MINUTES

PLANNING, ECONOMIC DEVELOPMENT & TOURISM COMMITTEE MEETING

2021-06-01 AT 14:00

**Detailed account of the meeting proceedings is available on audio recording,
which is obtainable from The Municipal Manager's Office per Request for
Information (RFI)**

MINUTES
PLANNING, LOCAL ECONOMIC DEVELOPMENT & TOURISM COMMITTEE MEETING
2021-06-01
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PRESENT Cllr E Groenewald (Ms) [Chairperson: Planning, Economic Development & Tourism]

COUNCILLORS T Gosa
AJ Hanekom

Officials: Acting Director: Planning & Economic Development (C Alexander)
Senior Manager: Development Management (S Carstens)
Senior Heritage Planner: (Katherine Robinson)
Senior Admin Officer (Ms T Samuels)

1.	OPENING AND WELCOME	(3/4/3/3)
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The Chairperson, Cllr E Groenewald (Ms) welcomed all present at the Planning, Local Economic Development and Tourism Committee meeting.

1.1	COMMUNICATION BY THE CHAIRPERSON	(3/4/3/6)
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NONE

1.2	DISCLOSURE OF INTEREST	(3/6/2/2)
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NONE

2.	APPLICATION FOR LEAVE OF ABSENCE	(3/4/3/3)
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**PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE:
2021-06-01: ITEM 2**

The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

2.1 Acting Manager: Local Economic Development: (Mr D Adolph - 1 June 2021

2.2 Absent:

Cllr RS Nalumango (Ms)

**MINUTES PLANNING, LOCAL ECONOMIC DEVELOPMENT 2021-06-01
& TOURISM COMMITTEE MEETING**

3	CONFIRMATION OF MINUTES
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3.1	CONFIRMATION OF MINUTES: PLANNING, LOCAL ECONOMIC DEVELOPMENT & TOURISM COMMITTEE: 2021-02-02 (3/4/3/5/2/4)
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The minutes of the Planning, Local Economic Development & Tourism Committee Meeting held on 2021-05-04 **was confirmed as correct.**

4.	REPORT ON THE OUTSTANDING COUNCIL RESOLUTIONS AS AT MAY 2021 – PLANNING & ECONOMIC DEVELOPMENT COMMITTEE (3/4/3/5/2/2)
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Collaborator No: 707759
IDP KPA Ref No: Valley of Opportunity
Meeting Date: 1 June 2021

1. SUBJECT: REPORT ON THE OUTSTANDING COUNCIL RESOLUTIONS AS AT MAY 2021 – PLANNING & ECONOMIC DEVELOPMENT COMMITTEE

2 PURPOSE

To submit the Outstanding Council Resolutions for May 2021 to the Planning & Economic Development Committee, in order for the said Committee to establish progress of such resolution in respect of its oversight responsibility.

3. DELEGATED AUTHORITY

Section 80 Committee: Planning & Economic Development Portfolio Committee

4. EXECUTIVE SUMMARY

The outstanding Council resolutions, that specifically is applicable to the Departments of Development Planning and Development Management, that is within the Directorate: Planning & Economic Development have been updated and duly submitted to the Office of the Municipal Manager. The latest updated version is submitted to the Portfolio Committee for noting and oversight purposes.

That the Planning & Economic Development Committee takes note of the latest updated Outstanding Council Resolutions that is applicable to the Committee.

PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE MEETING: 2021-06-01: ITEM 4

NOTED

the Outstanding Resolutions for the Planning, Local Economic Development and Tourism Committee Meeting.

Council Meeting		Resolution	Resolution Date	Allocated To	% Feedback	Feedback Comment
621772	PROPOSED SERVICE DELIVERY IN JONKERSHOEK	<p>7.2.4 PROPOSED SERVICE DELIVERY IN JONKERSHOEK</p> <p>22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.4</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the Power of Attorney from the National Department of Public Works, authorising Stellenbosch Municipality to commence with service delivery in Jonkershoek, be noted;</p> <p>(b) that the Administration be authorised to render interim municipal services in the Mixed Use Precinct in Jonkershoek on a cost recovery basis from the users who receive the services, except to those households that qualify for free basic services in terms of the Municipality's Indigent Policy;</p> <p>(c) that the Administration be authorised to provide/upgrade Access to Basic Services (Communal services) in informal areas, free of charge;</p> <p>(d) that the Director: Planning and Economic Development be requested to commission a feasibility study with the view of identifying a possible site(s) for possible township establishment, taking into account the Draft SDF for Jonkershoek, but also taking into account the positioning of bulk infrastructure and access to the site(s);</p> <p>(e) that the National Department of Public Works be requested to transfer the land to Stellenbosch Municipality;</p> <p>(f) that the National Department of Public Works be requested to transfer the land on which the office space previously used by Cape Nature, either by way of acquisition or by way of a Lease Agreement, to the Municipality;</p> <p>(g) that, the Director: Infrastructure Services be requested to compile a status quo report regarding the availability of bulk infrastructure but also indicating the cost of possible interim upgrading of such bulk infrastructure;</p> <p>(h) that the Director: Planning & Economic Development be requested to finalise the SDF for Jonkershoek in terms of the SPLUMA Act 16 of 2013;</p> <p>(i) that the Municipal Manager be authorised to conclude an agreement(s) with the relevant authorities to ensure that Stellenbosch Municipality is in a position to do law enforcement in the Jonkershoek Valley, with specific reference to the prevention of further unauthorised structures being constructed/erected;</p> <p>(j) that a progress report be tabled to Council within 6 months, including an environmental impact report and indicating progress that has been made regarding the provision of services; and</p>	2018-11-28	ALL DIRECTORS	70.00	<p>The National Department of Public Works was requested the use of the office space. A meeting in this regard was scheduled for 29 January 2020. The meeting took place and after an inspection at the property the Municipality decided not to take up the offer of the office space from Public Works due to the dilapidated state of the building and the costs involved to repair it.</p> <p>Water Services is available, a sanitation service is provided as well as a waste service. Electricity is provided by Eskom.</p> <p>The transfer of the land has not taken place yet despite various follow ups from Stellenbosch.</p> <p>Matter needs political intervention on provincial level to ensure action by the National Department.</p> <p>An updated Status Quo Report to be forwarded to Council in May 2021 from Infrastructure Services.</p> <p>Infrastructure Services is rendering a waste removal service through the provision of a skip and has upgraded the toilets. Stellenbosch is also providing water if the water provision from the farm fails.</p> <p><u>On 04 May 2021 the S80 P&ED Committee required confirmation of the exact location as proposed for the Jonkershoek Township Development.</u></p>

		<p>(k) that, in the mean-time, all expenditure be incurred within the existing, approved budget.</p> <p>The following Councillors requested that it be minuted that they abstained from voting on the matter:</p> <p>Cllrs F Adams; DA Hendrickse and LK Horsband (Ms).</p>				
639570	<p>TO AUTHORISE THE MUNICIPAL MANAGER TO START THE PRESCRIBED PUBLIC PARTICIPATION PROCESS AS PER CHAPTER 4 OF THE MUNICIPAL ASSET TRANSFER REGULATIONS, WITH THE VIEW OF THE FOLLOWING A TENDER/CALL FOR PROPOSAL PROCESS FOR OUTSOURCING THE MANAGEMENT/USE OF THE KAYAMANDI ECONOMIC AND TOURISM CORRIDOR (KETC)</p>	<p>7.7.2 TO AUTHORISE THE MUNICIPAL MANAGER TO START THE PRESCRIBED PUBLIC PARTICIPATION PROCESS AS PER CHAPTER 4 OF THE MUNICIPAL ASSET TRANSFER REGULATIONS, WITH THE VIEW OF FOLLOWING A TENDER/CALL FOR PROPOSAL PROCESS FOR OUTSOURCING THE MANAGEMENT/USE OF THE KAYAMANDI ECONOMIC AND TOURISM CORRIDOR (KETC)</p> <p>25TH COUNCIL MEETING: 2019-03-27: ITEM 7.7.2</p> <p>RESOLVED (majority vote)</p> <p>a) that Council authorises the Municipal Manager to start the Public Participation Process (60 days) as per Chapter 4 of the Asset Transfer Regulations with the intention of following an appropriate process for the outsourcing and management of the Kayamandi Economic and Tourism Corridor;</p> <p>(b) that Council gives reasonable consideration to all regulations and processes required by the Municipal Policy on the Management of Immovable Property, the Asset Transfer Regulations and prescriptions of the MFMA, and then to follow the process that best ensures the correct operational outcome for the Kayamandi Economic and Tourism Corridor;</p> <p>(c) that the local community be invited to submit representations; and</p> <p>(d) that the Municipal Manager be authorized to conclude the contract or agreement after (c) above is finalized in terms of the applicable Act/Regulation.</p> <p>The following Councillors requested that their votes of dissent be minuted: Cllrs RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.</p>	2019-03-27	CRAIGA	90.00	<p>Item supported by Planning & Economic Development Committee dated 10 March 2021 for submission to Council.</p> <p>Department will place advertisement place naming in newspaper during June 2021.</p>
	<p>ADOPTION OF THE DRAFT LOCAL ECONOMIC DEVELOPMENT STRATEGY FOR PUBLIC PARTICIPATION</p>	<p>11.7.1 ADOPTION OF THE DRAFT LOCAL ECONOMIC DEVELOPMENT STRATEGY FOR PUBLIC PARTICIPATION</p> <p>30TH COUNCIL MEETING: 2019-08-28: ITEM 11.7.1</p> <p>RESOLVED (nem con)</p> <p>that the draft Economic Development Strategy be approved and published for further inputs from the public for a period of 30 days.</p>	2019-08-28	CRAIGA	85.00	<p>Draft LED Strategy submitted to Directors for comment/input which commenting period closed on 31 May 2021.</p> <p>A discussion with the Portfolio Chairperson will take place, whereafter a decision will be made to submit the Draft and the Presentation to the next Mayco for information purposes.</p>

	DRAFT POLICY ON PLACE NAMING, STREET NAMING AND RENAMING AND NUMBERING FOR STELLENBOSCH MUNICIPALITY, EDITED 17 MAY 2019	<p>11.7.2 DRAFT POLICY ON PLACE NAMING, STREET NAMING AND RENAMING AND NUMBERING FOR STELLENBOSCH MUNICIPALITY, EDITED 17 MAY 2019</p> <p>31ST COUNCIL MEETING: 2019-09-25: ITEM 11.7.2</p> <p>RESOLVED (nem con)</p> <p>(a) that the revised Policy on Place Naming and Street Naming, Renaming and Numbering for Stellenbosch Municipality be advertised for public comment for 60 days;</p> <p>(b) that after public participation has been received, the Draft Policy will be brought back to Council for final consideration; and</p> <p>(c) that the final approved Policy be translated into all 3 official languages.</p>	2019-09-25	STIAANC	75.00	<p>Draft policy was considered by the Planning & Economic Development Committee on 04 May 2021 and referred back to the Department: Development Management to be workshopped with Council and Administration, as there were a number of matters which required clarity.</p> <p>During the previous meeting numerous issues were raised and discussed, which the Administration takes cognizance of and addressing. Will revert to the Committee in time.</p>
	ADOPTION OF THE STELLENBOSCH INFORMAL TRADING POLICY	<p>13.3 ADOPTION OF THE STELLENBOSCH INFORMAL TRADING POLICY</p> <p>32ND COUNCIL MEETING: 2019-10-23: ITEM 13.3</p> <p>RESOLVED (majority vote)</p> <p>(a) that, after considering the comments made by the public, Council adopts the Stellenbosch Informal Trading Policy; and</p> <p>(b) that the Stellenbosch Informal Trading By-Law be amended to incorporate the objectives and provisions as incorporated in the Informal Trading Policy.</p>	2019-10-23	CRAIGA	80.00	<p>Comments received from internal departments and workshop will be arranged to discuss existing and new proposed sites, prior to submission to Council to request for Public Participation. Date for submission to Section 80 during May 2021 meeting.</p> <p>Workshop was scheduled, but due to unavailability of a number of attendees due to illness, the workshop was postponed. A new date will be scheduled for June 2021.</p>
	PROGRESS UPDATE: COMPILATION OF DRAFT ADAM TAS CORRIDOR LOCAL SPATIAL DEVELOPMENT FRAMEWORK	<p>11.7.1 PROGRESS UPDATE: COMPILATION OF DRAFT ADAM TAS CORRIDOR LOCAL SPATIAL DEVELOPMENT FRAMEWORK</p> <p>36TH COUNCIL MEETING: 2020-07-29: ITEM 11.7.1</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council takes cognizance that the process for the Compilation of the draft Adam Tas Corridor Local Spatial Development Framework has commenced;</p> <p>(b) that the Adam Tas Corridor geographic area to which the Local Spatial Development will apply, as specified in of this report, has been approved by the Municipal Manager;</p> <p>(c) that the Senior Manager: Development Planning has been assigned and</p>	2020-07-29	BERNABED LBAT	90.00	<p>Built Environment Partnership (Pty) Ltd appointed as the multi-disciplinary team to assist Council with the compilation of the ATC LSDF.</p> <p>Discussion around the incorporation of Inclusionary Housing held on 2 March 2021. Final Inception report submitted on 16 March 2021 which includes project schedule and schedule of payments. Meeting held with PRASA and Roads authority on 18 March 2021 and to be continued on 25 March 2021. Workshop on Heritage matters</p>

		<p>appointed as the Project Leader for the formulation of the draft Adam Tas Corridor Local Spatial Development Framework;</p> <p>(d) that the process to procure a multi-disciplinary team to undertake the required professional services for the compilation of the draft Adam Tas Corridor Local Spatial Development Framework is currently underway; and</p> <p>(e) that a Project Team consisting of the following members have been identified to contract and project manage the Adam Tas Corridor Catalytic Initiative:</p> <ul style="list-style-type: none"> • Craig Alexander Pr Pln, Project Leader (Senior Manager: Development Planning) • Stiaan Carstens Pr Pln, Senior Manager: Development Management • Mr Lester van Stavel, Manager: Housing Development • Ms Jerri-Lee Mowers, Senior Manager: Development Services <p>The following Western Cape Government: Department of Environmental Affairs & Development Planning (“DEA&DP”) representatives, listed below, will coordinate the input from WCG and serve as technical advisors to the Project Team:</p> <ul style="list-style-type: none"> • Ms Catherine Stone Pr Pln, Director: Spatial Planning; • Mr Kobus Munro Pr Pln, Director: Regulatory Planning; • Mr Jeremy Benjamin Pr Pln, Coordinator: Regional Socio-Economic Programme: Stellenbosch (“RSEP”) <p><i>Councillors F Adams; DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</i></p>				<p>scheduled for 22 April 2021. Second meeting of Transport Planning group scheduled for 17 May 2021. Envisage completion date end August 2021.</p> <p>A Progress Report was compiled and will be submitted to the next Mayco.</p>
	DRAFT PROBLEM PROPERTY BY-LAW FOR STELLENBOSCH MUNICIPALITY	<p>13.2 DRAFT PROBLEM PROPERTY BY-LAW FOR STELLENBOSCH MUNICIPALITY</p> <p>36th COUNCIL MEETING: 2020-07-29: ITEM 13.2</p> <p>RESOLVED (nem con)</p> <p>(a) that the revised draft By-law on Problem Properties for Stellenbosch Municipality (WC024) attached as ANNEXURE 1 be recommended for approval in terms of Sections 11(3)(m) of the Local Government Municipal Systems Amendment Act 32 of 2000 and;</p> <p>(b) the administration proceed with the publication of the by-law.</p>	2020-07-29	STIAANC	95.00	Discussion planned between Planning and Economic Development and Community and Protection services to workshop the implementation of the By-law.

	<p>FEEDBACK AND WAY FORWARD IN RESPECT OF THE BUSINESS WEBINAR STELLENBOSCH WC024 & COVID-19: REALITIES, REMEDIES, ROAD AHEAD, HELD ON 23 JULY 2020</p>	<p>11.7.2 FEEDBACK AND WAY FORWARD IN RESPECT OF THE BUSINESS WEBINAR STELLENBOSCH WC024 & COVID-19: REALITIES, REMEDIES, ROAD AHEAD, HELD ON 23 JULY 2020</p> <p>38TH COUNCIL MEETING: 2020-10-28: ITEM 11.7.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council takes note of the comments and / or inputs submitted during the webinar and the written submissions;</p> <p>(b) that the Department: Development Planning be authorised to, through the Office of the Municipal Manager, allocate point person(s) from each Directorate to investigate the submissions and compile an Action Plan, which must be submitted to the next Council Meeting;</p> <p>(c) that, as part of point (b), an engagement be held with the following sectors, through virtual meetings, and if required, in person engagements, on the following preliminary dates, as per schedule attached as APPENDIX 3:</p> <ul style="list-style-type: none"> • Tourism (Wine Industry, Events & Filming) – 04 September 2020 • Manufacturing – 08 September 2020 • Construction & Finance – 15 September 2020 • Agriculture – 09 September 2020 • Informal Sector – 10 September 2020 • Education – 18 September 2020 <p>(d) that the Department: Development Planning compiles a detailed proposed Action Plan, to be included in the Stellenbosch Municipality Economic Recovery Plan, which must be completed before end February 2021, and which must be submitted to Council for consideration by November 2021, taking into account the financial, operational and risk implications; and</p> <p>(e) that, in the event 'quick' wins or responses are identified, that such initiatives be brought to Council at the next Council Meeting and be documented as part of the proposed Action Plan, and where such interventions are delegated to the Municipal Manager, that such interventions be implemented and Council be notified accordingly.</p> <p><i>Cllrs FT Bangani-Menziwe (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango; N Sinkinya (Ms) and LL Stander.</i></p>	2020-10-28	CRAIGA	55.00	<p>Report to be submitted for Council during June 2021.</p> <p>Identify a contact person within the LED Dept who will liaise with different sectors on how to assist, and give feedback in report.</p>
691675	<p>INVESTIGATION OF THE RHENISH COMPLEX FOR ECONOMIC DEVELOPMENT OPPORTUNITIES</p>	<p>11.7.3 INVESTIGATION OF THE RHENISH COMPLEX FOR ECONOMIC DEVELOPMENT OPPORTUNITIES</p> <p>38TH COUNCIL MEETING: 2020-10-28: ITEM 11.7.3</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council takes note of the numerous studies and planning over the years that were done on the Rhenish Complex without any noticeable implementation of the approved recommendations;</p>	2020-10-28	BERNABED LBAT	60.00	<p>Service Provider appointed to compile Comparative Analysis of all Studies and information compiled i.r.o. Study Area. Completion Date for draft 30 June 2021.</p>

		<p>(b) that Council approves the request of the Directorate: Planning & Economic Development to investigate the development of all municipal owned landholdings within the demarcated areas as depicted within the boundaries of Dorp-, Herte-, Alexander-, Market-, Bird- and Mill Street for potential economic opportunities to kick start the development of the entire Rhenish Complex;</p> <p>(c) that the investigation into the development of the Council owned landholdings considers the context of the surrounding spaces in the town centre; and</p> <p>(d) that such an investigation be done within three months after which a report with a request for the advertisement of the proposals be tabled to Council to enable the phased implementation of such proposals.</p> <p><i>Cllrs FT Bangani-Menziwe (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango; N Sinkinya (Ms) and LL Stander.</i></p>				
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NB: RESPONSES OBTAINED FROM RELEVANT DEPARTMENTS

5.	REPORTS FROM OFFICIALS: LOCAL ECONOMIC DEVELOPMENT
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5.1	DELEGATED MATTERS
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The last report served before this Committee during May 2021. The Director as reported that reports in this regard will be submitted to the Sections 80 Committee on a quarterly basis.

5.2	NON-DELEGATED MATTERS
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NONE

6.	REPORTS FROM OFFICIALS: PLANNING, LAND USE MANAGEMENT, SPATIAL PLANNING, HERITAGE AND BUILDING CONTROL
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6.1	DELEGATED MATTERS
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The Director: Planning and Economic Development reported that reports in this regard will be submitted to the Sections 80 Committee on a quarterly basis.

6.2	NON-DELEGATED MATTERS
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6.2.1	TERMS OF REFERENCE FOR THE ESTABLISHMENT OF A STELLENBOSCH MUNICIPALITY CONSERVATION ADVISORY COMMITTEE
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Collaborator No:

IDP KPA Ref No:

Meeting Date: 1 June 2021

1. SUBJECT: TERMS OF REFERENCE FOR THE ESTABLISHMENT OF A STELLENBOSCH MUNICIPALITY CONSERVATION ADVISORY COMMITTEE

2. PURPOSE

To provide Council with the terms of reference for the Establishment of the Conservation Advisory Committee as required in terms of Section 249 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019, and to obtain the required approval to place advertisements for the invitation for members to serve on the said Committee.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Section 249 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 stipulate the following:

“(1) The Municipality shall establish a Conservation Advisory Committee, which may consist of various sub-committees for different overlay zone areas, to make recommendations on planning applications in Urban and Rural Conservation Overlay zones.”

5. RECOMMENDATIONS

- (a) that Council approve and adopt the Terms of Reference for the Establishment of the Conservation Advisory Committee, as contained in Appendix 1 of this report;
- (b) that Council approve that the Directorate: Planning and Economic Development commence with a process to place an advertisement that will Invite suitably qualified and experience persons to apply to serve as Members of the Conservation Advisory Committee;
- (c) that Council note that the Directorate: Planning & Economic Development will submit the preferred candidates to serve as members of the Conservation Advisory Committee, to the next Council Meeting scheduled 28 July 2021 for approval; and

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- (d) that Council note that the Directorate: Planning & Economic Development will submit the Code of Conduct of the Members of the Conservation Advisory Committee for approval to the next Council meeting dated 28 July 2021.

6. DISCUSSION / CONTENTS

6.1 Background

The Stellenbosch Municipality Zoning Scheme Bylaw, 2019 requires the Establishment of a Conservation Advisory Committee in terms of Section 249 of the said bylaw.

The Committee must:

- *The committee shall consider the application and submit their recommendation within the period prescribed by Planning By-law.*
- *The committee may formulate recommendations which may include conditions to be imposed or recommendations on how the proposal should be amended to improve compliance with the Conservation Overlay Policy.*
- *The Municipality may, through its adopted rules and procedures, determine that certain types of applications need not be commented on by the committee, in which case the designated decision-maker within the Municipality may decide on the application as per the appropriate delegations.*

The Urban and Rural Overlay Zones Conservation Overlay Zones is contained within the applicable bylaw, and the Committee is also tasked with providing recommendations to the Delegated Authority, as determined by the Stellenbosch Municipality Register of Delegations, which may be amended from time-to-time on land use applications and all other matters requiring cultural and heritage comments (including signage and outdoor advertising applications).

6.2 Financial Implications

The Committee members will be remunerated at a hourly rate of R1250. Meeting procedures are limited to five (5) hours per meeting and should the duration of meetings require extension of such hours, prior approval must be obtained from the delegated authority.

Current budgetary provision was made for one (1) meeting per month within the 2021 / 2022 approved operational budget.

6.3 Legal Implications

The Establishment of the Conservation Advisory Committee is required in terms of Section 249 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019.

6.4 Previous / Relevant Council Resolutions

None

6.5 Risk Implications

There exists no risk in the Establishment of the Committee.

RECOMMENDATIONS FROM THE PLANNING, ECONOMIC DEVELOPMENT & TOURISM COMMITTEE TO THE EXECUTIVE MAYOR: 2021-05-04: ITEM 5.2.1

- (a) that Council approves and adopt the Terms of Reference for the Establishment of the Conservation Advisory Committee, as contained in **APPENDIX 1** of this report;
- (b) that Council approves that the Directorate: Planning and Economic Development commence with a process to place an advertisement that will Invite suitably qualified and experience persons to apply to serve as Members of the Conservation Advisory Committee;
- (c) that Council notes that the Directorate: Planning & Economic Development will submit the preferred candidates to serve as members of the Conservation Advisory Committee, to the next Council Meeting scheduled 28 July 2021 for approval; and
- (d) that Council notes that the Directorate: Planning & Economic Development will submit the Code of Conduct of the Members of the Conservation Advisory Committee for approval to the next Council meeting dated 28 July 2021.

APPENDICES

Appendix 1: Terms of Reference for the Establishment of a Stellenbosch Municipality Conservation Advisory Committee.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Katherine Robinson</i>
POSITION	<i>Senior Heritage Planner</i>
DIRECTORATE	<i>Planning and Economic Development</i>
CONTACT NUMBERS	<i>021 808 8608</i>
E-MAIL ADDRESS	<i>Katherine.Robinson@stellenbosch.gov.za</i>
REPORT DATE	<i>27 May 2020</i>

APPENDIX 1



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**TERMS AND REFERENCE FOR THE
ESTABLISHMENT OF A STELLENBOSCH
MUNICIPALITY CONSERVATION ADVISORY
COMMITTEE**

Draft Version

APRIL 23, 2021

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Definitions and interpretation of rules

In this document, unless the context requires otherwise -

“Delegated Authority”	Means a municipal employee / Committee who is authorized in terms of delegated by Municipality to exercise a power or perform a duty in terms of National Heritage Resources Act 25 of 1999 and Chapter 25 and 26 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019.
“Chairperson”	Means the person who presides over the meeting. The Chairperson is responsible for making sure that each meeting is effectively conducted according to the constitution and that matters are dealt with in an orderly and efficient manner.
“Committee”	Means the Stellenbosch Municipality Conservation Advisory Committee appointed by Council.
“Committee Officer”	Means an authorized employee appointed/ designated by the Stellenbosch Municipality, whose function is to provide administrative and secretarial support to the Stellenbosch Municipality Conservation Advisory Committee.
“Conservation”	Means the process for managing heritage resources to retain their cultural significance. This includes protection, maintenance, preservation and adaptive re-use of resources. Conservation requires the retention of an appropriate visual context and other relationships that contribute to the significance of place.
“Consultant”	Means a person authorized in terms of the power of attorney to make an application on behalf of the owner of land.
“Council”	Means Municipal Council of Stellenbosch Municipality.
“Cultural landscape”	Means a physical area with natural features and elements that have been modified by human activity which results in layered evidence that has been built up overtime that gives a landscape its descriptive spatial historical aesthetic character that is symbolic and memorable.
“Cultural significance”	Means aesthetic, architectural, historical, social, linguistic, scientific and technological value or significance.
“Development”	Means any physical intervention, excavation or action that are not the result of natural forces, which may, in the opinion of a heritage authority, result in a change to the appearance or physical nature of the place or will influence its stability and future wellbeing.
“Heritage area”	Means a designated geographical area of special architectural historic, social, symbolic, aesthetic/scenic character which is protected by legislative mechanisms wither at provincial or municipal level.
“Heritage resources”	Means any place or object that has cultural significance.
“Heritage site”	Means a place that has been declared a national heritage site (Grade 1) by SAHRA or declared a provincial heritage site (Grade 2) by the provincial resource authority.
“HWC”	Means Heritage Western Cape - the provincial heritage resource authority.
“Member”	Means a person appointed a member of the Stellenbosch Municipality Conservation Advisory Committee by the Stellenbosch Council.
“Minister”	Means the Minister of Arts and Culture
“Municipality”	Means Stellenbosch Municipality located in the Cape Winelands District of the Western Province.
“NHRA”	Means the National Heritage Resources Act, (Act 25 of 1999)

“SAHRA”	Means the South African Heritage Resources Agency
“Zoning Scheme”	Means the Stellenbosch Zoning Schemes Bylaw adopted by Stellenbosch Council

1. The purpose of the Stellenbosch Municipality Conservation Advisory Committee

The Stellenbosch Municipality Conservation Advisory Committee is appointed by Council to assist them with the expertise required in heritage related matters to satisfy the required mandate of Section 249(1) of the Stellenbosch Zoning Scheme By-Law, 2019.

The Conservation Advisory Committee must evaluate and provide advise on all heritage matters in terms of the National Heritage Resources Act 25 of 1999 and any new developments in Overlay Zones in terms of Stellenbosch Zoning Scheme By-Law.

2. Functions of the Stellenbosch Municipality Conservation Advisory Committee

The function of the Conservation Advisory Committee is to advise Council on the various aspects in lieu of the preservation and furthering of the cultural landscape and natural environment of the Greater Stellenbosch Area.

The committee therefore has the following functions:

- 2.1 To advise Council on the aesthetical, functional, architectural, cultural and historical aspects of any new development or contemplated development and with respect to any proposed alterations or additions to existing buildings, structures and elements of the built environment within all declared heritage areas.
- 2.2 To advise Council on the aesthetical, functional, architectural, cultural and historical aspects with respect to any proposed alterations or additions to existing buildings or structures that are specified in terms of Sections 27 & 34 of the NHRA.
- 2.3 To advise Council on any application received for the demolition or partial demolition of any building or structure within any declared Heritage Area or to any structure that is specified in terms of Sections 27 & 34 of the NHRA.
- 2.4 To advise, to Council on any applications received in terms of Section 38 of the NHRA.
- 2.5 To advise, to Council on any applications received that is specified in Terms of the National Environmental Act (No. 107 of 1998).
- 2.6 To provide Council with comments and input on Outdoor Advertising and Signage applications.
- 2.7 To advise Council with the compilation of a heritage register and demarcation of heritage areas as specified in section 30 or 31 of the NHRA of all heritage resources within the greater Stellenbosch.
- 2.8 To evaluate and advise Council on **any** application for signage as per the approved Outdoor Advertising Signage Policy or Bylaw.
- 2.9 Provide input to the Directorate: Planning and Environment with the development of specific development strategies, guidelines, regulations and procedures pertaining to the preservation and appropriate development of individual declared Heritage Areas.
- 2.10 To provide advise on applications that requires approval by SAHRA and HWC in terms of Section 27 & 34 of the National Heritage Resources Act.

2.11 Should Council be assessed by Heritage Western Cape and be deemed a competent authority in terms of Section 26 read together with section 8 of the Heritage Resource Act, the Committee is to advise Council on the identification and management of Grade III heritage resources.

3. Mandate of the Stellenbosch Conservation Advisory Committee

The mandate of the Committee is to: only advise the delegated authority as per Council's Register of Delegations, on all heritage related applications in the declared Stellenbosch Municipality Urban and Rural conservation overlay zones and all heritage buildings and sites related to the NHRA.

No individual member and/or group of members of the Committee may represent the views and/or authority of the Stellenbosch Municipality.

4. Structure of the Stellenbosch Conservation Advisory Committee

It is recommended that a single Committee structure is adopted, to advise the delegated authority on all heritage related applications in the declared Stellenbosch Municipality Urban and Rural conservation overlay zones and all heritage buildings and sites in Stellenbosch (WC024) Municipality.

A Heritage Committee must consist of:

- 4.1 A minimum of seven (7) members appointed by Council who are not employees and / or Political Office Bearers of Stellenbosch Municipality.
- 4.2 All members must be residents of the Stellenbosch (WC024) Municipality.
- 4.2 In addition, there will be a minimum of two (2) employees of the Municipality.
- 4.3 The Committee must have reasonable knowledge, experience and expertise in the following interrelated fields and professions:
 - Built Environment
 - Cultural Heritage
 - Heritage Management
 - Natural Environment
- 4.4 The Committee members must have appropriate knowledge of the current heritage planning and environmental legislations and policies.
- 4.5 It would be considered advantageous if members have experience in documentation and archival research of South African Heritage or expertise in design and supervision of construction in the heritage environment.
- 4.6 **The Committee members are to be representative of diversity, inclusion and equity.**

5. Terms of Office of the Stellenbosch Conservation Advisory Committee members.

- 5.1 The Municipality will select members by means of an advertised application process.
- 5.2 Members of the Conservation Advisory Committee shall be appointed in accordance with the principles of transparency and representativity.
- 5.3 Their appointment must consider that the members are to have, amongst them, qualifications and / or proven experience in the fields relevant to heritage resources for the efficient functioning of the Heritage Committee.

- 5.4 A member holds office for a term of **three (3) years**.
- 5.5 A member may be re-appointed by Council for a second term, for a period of **two (2) years**, provided that the member may not hold office for more **than five (5) consecutive years**.
- 5.6 On appointment the members must sign a letter of acceptance of the post and a copy of a Code of Conduct of Committee Members that has been approved by the Council.
- 5.7 A member of the Conservation Advisory Committee must vacate the office if a member:
- 5.7.1 Resigns in writing 1 month prior to date of resignation.
 - 5.7.2 Has been absent from three consecutive meetings of the Heritage Committee without leave of absence.
 - 5.7.3 The Municipal Manager, after consultation with the Director: Planning and Economic Development and the relevant delegated authority, may remove a member from office if in the opinion of the Council there is sound reasons for doing so after hearing the member on those reasons.
- 5.8 If a member vacates the office prior the expiration of the period for which they have been appointed as a member of the Conservation Advisory Committee, another person may be nominated by the Committee and appointed by the Council to fill the vacancy for the remaining portion of the period for which the member was appointed.
- 5.9 Should the need arise, the Committee can put forward a request to Council for the right to co-opt additional members to the committee on a temporary basis should a development issue be dealt with that will have a direct impact on a specific geographic area and a person or persons with sound knowledge of that area exist.

6. Reimbursement of expenses incurred by the Stellenbosch Conservation Advisory Committee

The delegated authority may determine the reimbursement of expenses incurred by members of the Heritage Committee in terms of Stellenbosch Municipality relevant reimbursement policy, only when such expenses have been pre-approved in writing by the delegated authority.

7. Rules of procedure for Meetings of the Stellenbosch Conservation Advisory Committee:

7.1. General:

- 7.1.1 The Conservation Advisory Committee must meet at least once a month **or as per request**.
- 7.1.2 The Chairperson must determine the dates and times of the Stellenbosch Municipality Conservation Advisory Committee **in consultation with the Delegated Authority and the Committee Officer**.
- 7.1.3 Meetings must be held through Microsoft Teams or any other virtual platform available at the time of such meeting, and should the need arise meetings may be held in person, subject to prior approval granted by the delegated authority.
- 7.1.4 The first meeting is to be in person. At this meeting the Members will nominate and vote for a Chairperson, Deputy Chairperson and a Committee Officer, who will record the minutes for the meeting which will be sent to the Delegated Authority.

- 7.1.5 The Committee Officer will be responsible for creating the yearly meeting schedule based on the dated determined by the Conservation Advisory Committee in consultation with the Delegated Authority.
- 7.1.6 The Committee Officer will create the meeting agenda and compile information packs that will be sent to the members through electronic communication a minimum of five (5) working days prior to the meeting.
- 7.1.7 All Members of the Committee must, in writing, specify an electronic mail address, where they will receive a notice of meetings and other official correspondence and are required to acknowledge receipt, in writing, of the upcoming scheduled meeting and receipt of the information packs.
- 7.1.8 Electronic notices of a meeting or any other official correspondence to these addresses will constitutes a paper notice of a meeting.
- 7.1.9 If a member has not received notice of a meeting or all relevant documentation, this will invalidate any proceedings of the meeting.
- 7.1.10 Should the Chairperson be absent on the day of the meeting, the Deputy Chairperson will undertake the duties of the Chairperson.

7.2. Quorum

- 7.2.1 A quorum for a meeting of the Stellenbosch Municipality Conservation Advisory is half (50%) plus 1 of the appointed members.
- 7.2.2 The Chairperson shall, in the event of equality of votes, have a casting vote in addition to his / her deliberative vote.
- ~~7.2.3 If there is no quorum at the beginning of the meeting and the Chairperson is present, the meeting must be postponed 15 minutes. If at the end of that period, if there is still no quorum, the meeting may proceed, however all items discussed will be recorded as "Discussion". "Does this mean that if there is no quorum, the meeting has to be postponed to a later date? "~~
- 7.2.4 The minutes can only be recorded as recommendations once a quorum is present. This can be done later via email. Evidence of communication should be sent to the Chairperson to be attached to the minutes.

7.3. Agenda and Site Inspections:

- 7.3.1 A copy of the minutes from the previous meeting, an agenda for the scheduled meeting and copies of all information packs for the meeting must be sent to the Committee Members by the Committee Officer.
- 7.3.2 Meetings should be conducted according to the order in which the matter appear on the agenda, and only matters which are on the agenda and are in writing may be debated. Notwithstanding this, the Chairperson may change the order of matters appearing on the agenda or withdraw an item or refer it back to the Administration, except for allocated appointment items on the agenda.
- 7.3.3 The Committee may conduct a site inspection, with prior approval from the delegated authority, relevant to an application being considered or make use of an official appointed by Council to conduct an inspection.

- 7.3.4 Should a site inspection be required, arrangements are to be made by the Committee Official. All members to confirm dates of availability at the end of the meeting for ease of arrangements.
- 7.3.5 All site inspections are to be recorded in a Site Inspection Report by the members and which should be attached to the minutes of the next meeting.

7.4. Conduct at Meetings and Site Inspections

The Chairperson must:

- 7.4.1 Ensure that the minutes of the previous meeting is adopted and seconded by the Committee Members.
- 7.4.2 Request members to declare any personal or other interest in respect of the agenda before them and indicate whether they have been approached by any party concerned prior to the meeting. Recusals by members, if any should be minute accordingly.
- 7.4.3 Maintain order during the meeting.
- 7.4.4 Refer any alleged contravention of the code of conduct by members at the meetings to the Delegated Authority.
- 7.4.5 Ensure that the meetings are conducted in accordance with these rules.
- ~~7.4.6 Ensure that any person refusing to comply with his / her ruling leaves the venue immediately and, in case of members, reports these instances to the Director Planning and Economic Development.~~
- 7.4.7 Ensure that when members go on site inspections they are representing the Municipality and should always act in accordance with the Code of Conduct.

7.5. Oral/ electronic presentation

- 7.5.1 Should an applicant wish to present an oral / verbal / **visual** presentation to the Committee, they are to put their request in writing to the Committee Officer at least seven (7) days prior to that meeting so that they can be allocated a time slot.
- 7.5.2 The purpose of an oral presentation is to allow the applicant / consultant an opportunity to present the application to the members of the committee and provide accuracy or merit on the documentation / plans before the committee and also to elaborate on relevant issues which committee members may have. The applicant may not be present when the Committee discuss the application and make the recommendation.**
- 7.5.3 The applicant must provide at least 1 set of hard copies documentation and also electronic document to the Committee Officer on the closing date for submission ten (10) days prior to next meeting.
- 7.5.4 The Committee Officer will electronically distribute the electronic document to the Committee members in order that the Committee members may have time to consider the matter in advance.
- 7.5.5 The Chairperson may limit the oral presentation to specified matters relating to an application.

7.5.6 As a general guide, the applicant / consultant, must be permitted reasonable time to make their presentation.

~~7.5.7 Notwithstanding Rule 10.6 above, the allocated time may be increased at the discretion of the Chairperson, if the circumstances of the application warrant this.~~

7.5.8 After the introduction of the application by the Committee Officer, the order of speakers will, subject to the Chairperson's discretion be as follow:

7.5.8.1 The applicant or consultant who requested the presentation will address the Committee; whereafter

7.5.8.2 The Chairperson will give members of the committee an opportunity to ask the applicant relevant question of clarification.

7.5.8.3 No cross examination of any party is permitted.

7.6. Recommendations and Voting:

7.6.1 All recommendation must be taken by the supporting vote agreed upon by the majority of members present at the meeting.

7.6.2 If the Chairperson ask members whether they agree with the recommendation/s on the matter before the Committee, and such recommendation/s are opposed by any members present, a decision must be taken by show of hands by approving an application in (1) whole or (2) in part, or (3) refuse it. Should there be no opposition, it must be recorded in the minutes that the decision was unanimous.

7.7. Minutes

The Committee Secretary must ensure that all proceedings of the Stellenbosch Municipality Conservation Advisory Committee are to be recorded during the meeting. All recommendations, including reasons, must be recorded in the minutes.

Every member of the Committee, as well as any other person attended a meeting, must sign the attendance register, and the Committee Officer must ensure that a record is made in the minutes of the names of those members who:

- (a) Are absent with leave having been granted by the Chairperson;
- (b) In the case of the Chairperson, absent with leave must be granted by the Senior Manager: Development Planning;
- (c) Any leave that has not been authorised must be recorded;
- (d) Arrived after the meeting has started (time of arrival must be recorded);
- (e) Leave the meeting prior to the conclusion thereof (time and reason for departure must be recorded)
- (f) The correctness of the minutes must, after the meeting, be signed off by the Chairperson after circulation to the members present, and thereafter be made available within one week (seven working days) following a meeting;
- (g) A copy of the confirmed minutes must be included in the Agenda of the next meeting of the Stellenbosch Municipality Conservation Advisory Committee for information and record purposes.

7.	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

8.	NOTICES OF MOTIONS AND NOTICES OF QUESTIONS RECEIVED BY THE MUNICIPAL MANAGER
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NONE

9.	URGENT MATTERS
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NONE

10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 16:20.

CHAIRPERSON:

DATE:

Confirmed on